

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

By the foregoing amendment, claims 22, 29, 30 and 37 have been amended, claims 23, 31 and 38 have been canceled, and new claims 44-46 have been added. No new matter has been added. Claims 1-21 and 27 have been previously canceled. Thus, claims 22, 24-26, 28-30, 32-37, and 39-46 are pending in this application and subject to examination.

In the Office Action mailed January 16, 2007, claims 22, 29, 30, 37 and 39 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 22-26 and 28-43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,654,801 B2 to Mann et al. (hereinafter "Mann") in view of U.S. Patent No. 6,567,937 to Flores et al. (hereinafter "Flores"). It is noted that claims 22, 29, 30 and 37 have been amended, claims 23, 31 and 38 have been canceled, and new claims 44-46 have been added. To the extent the rejections remain applicable to the claims currently pending, the Applicants respectfully traverse the rejections, as follows.

Formal Matters

Claims 22, 29, 30, 37 and 39 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, the Office Action notes that there is no antecedent basis for the phrase "the network management server," which is recited in these claims. The claims have been amended responsive to the rejection. The Applicants respectfully request withdrawal of the rejection.

Claims 22, 29, 30 and 37 Recite Patentable Subject Matter

Regarding amended claims 22, 29, 30 and 37, the Applicants respectfully submit that nothing in the cited prior art discloses or suggests at least the combination of features of “transmitting a remote device message to the network management server, the message comprising at least one instruction . . . [and] at the network management server, translating each instruction into a series of commands that are executable against multiple network components . . . wherein translating occurs via an updatable table that contains each instruction and the series of commands corresponding to the instruction,” as recited in claims 22 and 29 and the similar limitations of claims 30 and 37.

Specifically, Mann is directed to “a method for providing remote management and maintenance of a node or service within a data communications network that is initiated by the data communications network management system's failure to receive operational status signals [or receipt of abnormal condition signals] from a node or service. . . The system administrator can take appropriate action to rectify the problem.” See column 2, line 50 through column 3, line 14. Thus, for example, Mann discloses detecting a problem from within the network, e.g. by the network management system either receiving, or failing to receive, a signal from a network node or service, and the “system administrator . . . [taking] appropriate action to rectify the problem.” “Appropriate action” by the system administrator is described, for example, as “us[ing] a remote NCC application 74 or interface[ing] with the control adapter through Telnet 76. Telnet is a terminal emulation protocol commonly used on the Internet. Telnet allows the user to log onto and run a program from a remote computer or host. Through the use of

the remote NCC application 74 or Telnet 76 the system administrator 62 is able to execute restart commands to the failed control adapter 56 or service adapter 52, re-route network traffic to account for the failed node 58/service 54 or take any other appropriate actions to alleviate the network difficulties. The use of the remote NCC application 74 or Telnet 76 allows the system administrator 68 to manage data communications network 50 remotely. System administrator 68 can start, stop and reconfigure the node 58 or service 54 remotely through communication with control adapter 56 or service adapter 52.” See column 9, lines 17 to 32.

Nothing in Mann, however, discloses or suggests the combination of features of “transmitting a remote device message to the network management server, the message comprising at least one instruction . . . [and] at the network management server, translating each instruction into a series of commands that are executable against multiple network components . . . wherein translating occurs via an updatable table that contains each instruction and the series of commands corresponding to the instruction,” as recited in claims 22 and 29 and the similar limitations of claims 30 and 37.

Flores fails to cure this deficiency in Mann. Flores is directed to a fault recovery system that waits to receive a response message and, if it does, initiates the fault recovery action specified in the response message. If a response message is not received within a specified time period, the fault recovery system initiates a default recovery action. See abstract and col. 1, lines 49-55. The Office Action fails to point to the specific language in Flores that cures the above deficiency in Mann. The Office Action points to “the combination Mann-Flores” and cites col. 4, lines 53-67 and col. 5,

lines 1-40 without citing to either Mann or Flores, as allegedly disclosing "wherein translating occurs via an updatable table that contains each instruction and the series of commands corresponding to the instruction." See Office Action, at page 5. The Applicants respectfully submit, however, that this feature of the present invention is neither disclosed nor suggested by Mann or Flores, when taken alone or in combination.

For at least these reasons, the Applicants submit that claims 22, 29, 30 and 37 are allowable over the cited art.

Claim 44 Recites Patentable Subject Matter

Regarding new claim 44, the Applicants respectfully submit that this claim is allowable over the cited art.

Claims 23-26, 28, 31-36, 38-43 and 45-46 Recite Patentable Subject Matter

Regarding claims 23-26, 28, 31-36, 38-43 and 45-46, the Applicants respectfully submit that each of these claims depends from one of allowable claims 22, 30, 37 and 44, and is therefore allowable for at least the same reasons, as well as for the additional subject matter recited respectively therein.

Conclusion

For all of the above reasons, it is respectfully submitted that the claims now pending patentably distinguish the present invention from the cited references. Accordingly, reconsideration and withdrawal of the outstanding rejections and an issuance of a Notice of Allowance are earnestly solicited.

DRAFT
06/18/2007

Should the Examiner determine that any further action is necessary to place this application into better form, the Examiner is encouraged to telephone the undersigned representative at the number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment associated with this communication to Deposit Account No. 01-2300, referring to client-matter number 026304-00002.

Respectfully submitted,



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Enclosure: Petition for Extension of Time (2 months)